U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston SWG 04-33-022 FILE NUMBER: PROJECT LOCATION INFORMATION: Texas State: County: Nueces Center coordinates of site (latitude/longitude): 27 44 4.0757; 97 08 36.7116 Approximate size of area (parcel) reviewed, including uplands: <u>0.063</u> acre. Name of nearest waterway: Corpus Christi Bay Unknown Name of watershed: JURISDICTIONAL DETERMINATION Date: 1 October 2004 **Completed:** Desktop determination Date(s): Site visit(s) Jurisdictional Determination (JD): Preliminary JD - Based on available information, \(\square there appear to be \text{(or)} \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: _ Mattheware "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.063 acre. There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [1] The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [1] (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: SWG 04-33-022

******	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank Changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Water Mark indicated by: High Tide Line indicated by: Oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Ø	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Paul Lazarine, Environmental Consultant.
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated 14 Jul 04, prepared by Paul D. Lazarine: ☐ This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: (Date) Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston District FILE NUMBER: SWG-04-06-010

PROJEC	CT LOCA	TION IN	FORMAT	ION:		
Stat Cou Cen App Nar	e: inty: iter coordin proximate s	Texas San Patrio nates of sit size of area est waterwa	cio e (latitude/l	longitude eviewed, ollow	e): including	27-53-26.4897 97-21.51.6132 uplands: approx. 26,000 acres.
			RMINATI determinati (s)		⊠ □	Date: 21 October 2004 Date(s):
Jur	isdictiona	l Determi	nation (JD):		
	United St	tates" and/	ased on ava or "navigab part 331).	ilable in: ole water	formation. s of the U	\Box there appear to be (or) \Box there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
×		d JD – An I that apply		D is an a	ppealable	action (Reference 33 CFR part 331).
	There	<i>are</i> "navi wed area.	gable water Approxima	rs of the ate size o	United Sta f jurisdict	ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
	I There reviewed	are "wate area. App	ers of the U proximate s	nited Sta	ites" (as d	lefined by 33 CFR part 328 and associated guidance) within the al area: 172 acres.
	There	are "isolo	ated, non-n Decision s Jurisdictio	supported	, intra-sta I by SWA	te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
BASIS (A.	Waters of	defined un ence of wa	ters that are	' R part 3 e subject	329 as "na to the ebb	avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in a interstate or foreign commerce.
B.	(1) The printerstate (2) The properties (3) The properties and flats destruction (i) volume (ii) (ii)	oresence of e or foreign presence of oresence of , wetlands on of which which are of	f waters, when commerce finterstate of other water, sloughs, put could affor could be to fish or sh	hich are of including waters in the such a prairie por fect intersused by itselfsh are	currently ung all wat acluding ir as intrastal tholes, we state commentate of the or could	s "waters of the United States": used, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide. uterstate wetlands. te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. I be taken and sold in interstate or foreign commerce. Il purposes by industries in interstate commerce.
	(4) Impo (5) The p	oundments presence of presence of	of waters of a tributary f territorial	therwise to a wat seas.	defined a ter identifi	s waters of the US. led in (1) – (4) above. waters of the US, except for those wetlands adjacent to other wetlands

FILE NUMBER: SWG-04-06-010 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. , prepared by (company): This office concurs with the delineation report, dated This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Gregory and Taft U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: San Patricio National wetlands inventory maps: Taft State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): San Patricio County, Panel 485506 0413 C March 18, 1985 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston District

FILE N	UMBER: 23580
Stat Cou Cen App Nan	e: Texas inty: Cameron iter coordinates of site (latitude/longitude): 26-19-32.1458 97-27-25.4127 proximate size of area (parcel) reviewed, including uplands: approx. 18 acres. ine of nearest waterway: Arroyo Colorado ine of watershed: Arroyo Colorado
	Desktop determination Site visit(s) Date: 22 October 2004 Date(s):
Jur	isdictional Determination (JD):
	Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: approximately 1 acre.
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS (A.	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B. ⊠	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interestate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

interstate or foreign commerce, including all waters which are su (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

(i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The Arroyo Colorado is a navigable water and this section of the Arroyo contains a federal channel.

FILE NUMBER: 23580 **Lateral Extent of Jurisdiction:** (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or П Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: La Leona U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Cameron County, Texas National wetlands inventory maps: La Leona State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Cameron County, Community Panel 480101 0075C May 4, 1992 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRIC FILE NU	CT OFFICE: IMBER:	Galveston D-7428		
State Cour Cent App Nam	nty: Nueces er coordinates of sit roximate size of area	te (latitude/longitude)	including Bay	49.5305; 97 15 46.5265 c uplands: <u>17.218</u> acre.
	ICTIONAL DETE ppleted: Desktop of Site visit(determination	⊠ □	Date: 14 October 2004 Date(s):
-	United States" and/	ased on available info	ormation s of the U	, ☐ there appear to be (or) ☐ there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
×	(Reference 33 CFR Approved JD – An Check all that apply	approved JD is an ap	ppealable	action (Reference 33 CFR part 331).
	There are "navithe reviewed area.	igable waters of the U Approximate size of	United Sta f jurisdict	ates" (as defined by 33 CFR part 329 and associated guidance) within ional area: 17.218 acres.
	There are "watereviewed area. App	ers of the United State proximate size of jur	tes" (as c	lefined by 33 CFR part 328 and associated guidance) within the all area:
	There are "isolo	lated, non-navigable, Decision supported Jurisdiction.	intra-sta by SWA	te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No
Α.	Waters defined up. The presence of wa	aters that are subject t	29 as "na to the ebb	avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in or interstate or foreign commerce.
B.	(1) The presence of interstate or foreign (2) The presence of (3) The presence of sandflats, wetlands destruction of which is in the control of the control of the control of the presence of (6) The presence of interstate of the control of the presence of the control of the co	of waters, which are concommerce, including interstate waters incommerce and of other waters such a sea sea, sloughs, prairie potential and affect interstor could be used by incommerce or could be used for soft waters otherwise of a tributary to a water of territorial seas.	currently ung all wat cluding in as intrasta tholes, we tate com- interstate of or could r industria defined a er identif	te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. I be taken and sold in interstate or foreign commerce.

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	Sis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: (Date) Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: SWG **FILE NUMBER:** D-16094

CT LOC			
proximate me of near	e size of area (parcel) rev rest waterway:	ongitude):	301939; 3285356 ag uplands: acres.
			Date: 13 October 2004 Date(s): 13 October 2004
isdictiona	al Determination (JD):		
United S	States" and/or "navigabl	able informatio e waters of the	n, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
		is an appealabl	le action (Reference 33 CFR part 331).
Ther	re are "navigable waters ewed area. Approximate	of the United S e size of jurisdic	states" (as defined by 33 CFR part 329 and associated guidance) within ctional area:
Ther	re are "waters of the United area. Approximate size	ited States" (as ze of jurisdiction	defined by 33 CFR part 328 and associated guidance) within the nal area:
⊠ Ther	Decision su	pported by SW	tate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No.
Waters The pres	defined under 33 CFR sence of waters that are	t part 329 as "r subject to the eb	bb and flow of the tide and/or are presently used, or have been used in
(1) The interstat (2) The (3) The sandflat destruct (i) (ii)	presence of waters, white or foreign commerce, presence of interstate w presence of other waters, wetlands, sloughs, pration of which could affect which are or could be us from which fish or shell	ch are currently including all wa aters including as such as intrastairie potholes, wet interstate comed by interstate lfish are or coul	used, or were used in the past, or may be susceptible to use in aters which are subject to the ebb and flow of the tide.
	risdiction Prelimin United: Approv Check a Then Treviewe The pre The pre the past (2) The intersta (2) The intersta (2) The intersta (3) The sandflat destruct (ii) (iii)	inter coordinates of site (latitude/loproximate size of area (parcel) reviewed area (parcel) reviewed area. Approximate size of area (parcel) reviewed area. Approximate size visit(s) Interest are "waters of the Universite of area "isolated, non-nate Decision su Jurisdiction." In presence of waters that are in the past, or may be susceptible in the presence of other waters andflats, wetlands, sloughs, predestruction of which could affect [iii] from which fish or shell.	Inter coordinates of site (latitude/longitude): proximate size of area (parcel) reviewed, includir me of nearest waterway: me of watershed: DICTIONAL DETERMINATION Impleted: Desktop determination Site visit(s) Disdictional Determination (JD): Preliminary JD - Based on available information United States" and/or "navigable waters of the (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable Check all that apply: There are "navigable waters of the United States" (as reviewed area. Approximate size of jurisdiction There are "waters of the United States" (as reviewed area. Approximate size of jurisdiction. There are "isolated, non-navigable, intra-state Decision supported by SWA Jurisdiction. OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "IT The presence of waters that are subject to the et the past, or may be susceptible for use to transp Waters defined under 33 CFR part 328.3(a) (1) The presence of waters, which are currently interstate or foreign commerce, including all waters and flats, wetlands, sloughs, prairie potholes, waters under of which could affect interstate com (i) which are or could be used by interstate (ii) from which fish or shellfish are or could (ii) from which fish or shellfish are or could

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

(4) Impoundments of waters otherwise defined as waters of the US.(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

FILE NUMBER: D-16094

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ other: □ High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Texas Department of Transportation
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:Other (explain):
DATA R	This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps.
	Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): January, 1995 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 15 Sept 2004 Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC FILE NUMBER: D-16628 PROJECT LOCATION INFORMATION: State: TX County: Brazoria Center coordinates of site (latitude/longitude): 28° 54' 53"N, 95° 22' 21"W (WGS84/NAD83) Approximate size of area (parcel) reviewed, including uplands: Name of nearest waterway: Brazos River Name of watershed: JURISDICTIONAL DETERMINATION Completed: Desktop determination 図 Date: 10-21-04 П Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, \(\Bigcap \) there appear to be (or) \(\Bigcap \) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: There are navigable waters on the site and appear to be adjacent wetlands however the project will not impact any of these waters. As such, no Departement of Army permit is required.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

FILE NUMBER: D-16 628

Lat	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	 Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): Theproject does involve activities in or affecting the waters.
	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC FILE NUMBER: D-15502 PROJECT LOCATION INFORMATION: State: TX County: Orange Center coordinates of site (latitude/longitude): 30 13 37 N 094 1 19.62 E Approximate size of area (parcel) reviewed, including uplands: Unknown acres. Name of nearest waterway: Little Creek Name of watershed: JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: 10-20-04 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

L	ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
į.	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba M N	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:Other (explain):
DATA	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: I-4430/(01) PROJECT LOCATION INFORMATION: State: Texas County: Orange Center coordinates of site (latitude/longitude): UTM 15 408842E 3324142N Approximate size of area (parcel) reviewed, including uplands: Name of nearest waterway: Bessie Hieghts Marsh Name of watershed: Neches River JURISDICTIONAL DETERMINATION Date: 18 October 2004 Completed: Desktop determination \boxtimes Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: 🔀 There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: ☑ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [(iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. \bigcirc (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(l) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Bessie Heights Marsh is hydrologically connected to the Neches River which is subject to the ebb and flow of the tide in this area

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: I-4430/(01). Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. П Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps:

Site visit/determination conducted on:
Applicable/supporting case law:

Other information (please specify): I-4430 & DA Permit 22684

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

Revised 8/13/04

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

PJ

DISTRICT FILE NUM	Г OFFICE: MBER:	Galveston I-4828			
State: Count Center Appro Name	r coordinates of sit	nery te (latitude/longitudo a (parcel) reviewed,			16"N, 95° 33' 42"W acres.
-	CTIONAL DETE bleted: Desktop of Site visit	determination		Date: Date(s):	9/27/04
Jurisc	lictional Determi	nation (JD):			
L	Preliminary JD - Ba Jnited States" and/ Reference 33 CFR	or "navigable water	formation is of the U	i, there ap Inited States'	ppear to be (or) \(\sum \) there appear to be no "waters of the" on the project site. A preliminary JD is not appealable
	Approved JD – An Check all that apply	* *	ppealable	e action (Refe	erence 33 CFR part 331).
		gable waters of the Approximate size o			ned by 33 CFR part 329 and associated guidance) within
		ers of the United Sta proximate size of jun			CFR part 328 and associated guidance) within the
[There are "isolo				wetlands" within the reviewed area. ory Bird Rule Information Sheet for Determination of No
A. V	Waters defined un The presence of wa	ters that are subject	29 as "nate to the ebl	and flow of	ers of the United States": the tide and/or are presently used, or have been used in or foreign commerce.
	1) The presence of nterstate or foreigr 2) The presence of 3) The presence of andflats, wetlands lestruction of which are of (ii) which are of (iii) which are 4) Impoundments 5) The presence of 6) The presence of	f waters, which are commerce, including interstate waters in fother waters such a sloughs, prairie poor could affect intersor could be used by infish or shellfish are or could be used for of waters otherwise fatributary to a water ferritorial seas.	currently or all was cluding in as intrasta tholes, we state commenterstate or could reindustria defined a er identif	used, or were ters which ar nterstate wetl te lakes, rive et meadows, merce includ- or foreign tra d be taken an- al purposes b as waters of ti ied in (1) – (4)	rs, streams (including intermittent streams), mudflats, playa lakes, or natural ponds, the use, degradation or ing any such waters (check all that apply): velers for recreational or other purposes. d sold in interstate or foreign commerce. y industries in interstate commerce. ne US.

FILE NUMBER: I-4828

	Ordinary High Water Mark indicated by: clear, natural line impressed on the bank willow oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics destruction of terrestrial vegetation other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): Site location could not be found. Several attempts to contact reporter were unsuccessful.
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

Keviseu 8/13/04

U.S. Army Corps of Engineers

DISTRICT OFFICE: SWG **FILE NUMBER:** D-16109

PI	Sta Co Ce: Ap Na:	ite: unty: nter coordi	Texas Harris nates of si size of are	te (latitude/longitu ta (parcel) reviewe yay:		275115,33071 g uplands:	77;282420,3283479;304363,3283910;274877,3310276 acres.
JU				RMINATION determination (s)		Date: 06 Octob Date(s):	per 2004
	Jur	isdictiona	l Determi	nation (JD):			
	\boxtimes	United St	tates" and/	ased on available i or "navigable wate part 331).	nformation, ers of the U	, [] there appeanited States" on	ar to be (or) \(\sum \) there appear to be no "waters of the the project site. A preliminary JD is not appealable
		Approved Check all	i JD – An that apply	approved JD is an	appealable	action (Referen	ce 33 CFR part 331).
		There	<i>are</i> "navi ved area.	gable waters of the Approximate size	United Sta of jurisdicti	ites" (as defined onal area:	by 33 CFR part 329 and associated guidance) within .
		There reviewed	are "wate area. App	rs of the United St proximate size of ju	ates" (as de irisdictiona	efined by 33 CF l area:	R part 328 and associated guidance) within the
		☐ There		nted, non-navigable Decision supporte Jurisdiction.	e, intra-stat d by SWAN	e waters or wetle NCC/Migratory	ands" within the reviewed area. Bird Rule Information Sheet for Determination of No
BAS	A.	Waters de The presen	efined una	AL DETERMIN. der 33 CFR part a ers that are subject susceptible for use	329 as "nav to the ebb	and flow of the	of the United States": tide and/or are presently used, or have been used in reign commerce.
		(1) The printerstate (2) The program (3) The prosandflats, destruction (ii) where (iii) where (4) Impour (5) The program (7) The program (7) The program (1) The program (2) The program (2) The program (3) The program (1) The program (1) The program (2) The program (3) The program (4) T	resence of or foreign resence of resence of wetlands, in of which are or om which which are or oddenents of resence of re	commerce, include interstate waters in other waters such a sloughs, prairie por could affect intersecuted be used by fish or shellfish are could be used for fwaters otherwise a tributary to a waterritorial seas.	currently us ng all wate cluding intrastate tholes, wet state common nterstate or e or could be r industrial defined as er identified to other wa	sed, or were used rs which are sub- erstate wetlands a lakes, rivers, standardows, playa- erce including at foreign traveler taken and sold purposes by indivaters of the US din (1) – (4) about the sold the US, externs of t	d in the past, or may be susceptible to use in eject to the ebb and flow of the tide. I reams (including intermittent streams), mudflats, a lakes, or natural ponds, the use, degradation or my such waters (check all that apply): Is for recreational or other purposes. In interstate or foreign commerce. Ustries in interstate commerce. Solution.
	Ratio	onale for t	he Basis o	of Jurisdictional I	eterminat	ion (applies to a	any boxes checked above). If the jurisdictional

	Lateral	Extent of Jurisdiction: (Deference: 22 CED 220		200	LILE NOMBER: D-191			
	☐ Ord	Extent of Jurisdiction: (Reference: 33 CFR parts 328	and.	329)				
		linary High Water Mark indicated by:		Higl	n Tide Line indicated by:			
	닏	clear, natural line impressed on the bank			oil or scum line along shore objects			
	L	the presence of litter and debris		Ħ	fine shell or debris deposits (foreshore)			
		changes in the character of soil		\vdash	physical marking a (all			
	一百	destruction of terrestrial vegetation		님	physical markings/characteristics			
	H	shelving			tidal gages			
	\vdash	Č			other:			
	لــا	other:						
1	☐ Mea	nn High Water Mark indicated by:						
,	s	survey to available datum; physical markings; v	eoeta	tion	lines/changes in vocatation to			
,								
l	Texa	land boundaries, as shown on the attached wetland del as Department of Transportation	ineati	on m	ap and/or in a delineation report prepared by:			
I	Basis For	r Not Asserting Jurisdiction:						
	The i	reviewed area consists entirely of uplands						
	Unab	ple to confirm the presence of waters in 33 CFR part 32)(a)(1 2	or 4.7)			
Г	Head	Iquarters declined to approve jurisdiction on the basis of	.c(a)(1, Z,	01 4-7).			
200	The	Corns has made a case specific determined and the basis (01 33 (JFK	part 328.3(a)(3).			
i	Unite	Corps has made a case-specific determination that the sed States:	tollow	'ing	waters present on the site are not Waters of the			
	H	Waste treatment systems, including treatment ponds	or la	goon	s, pursuant to 33 CFR part 328.3.			
		Artificially irrigated areas, which would revert to up	land	f the	irrigation ceased.			
	Ш	Artificial lakes and ponds created by excavating and	l/or di	king	dry land to collect and			
		retain water and which are used exclusively for such	purp	oses	as stock watering, irrigation, settling basins or			
		man growing.						
		Artificial reflecting or swimming pools or other sma	ll orn	amer	ntal bodies of water created			
		by excavating and/or diking dry land to retain water	for no	imar	ily aesthatia magana			
		water-filled depressions created in dry land incident	al to d	onet	meetion activity and the			
		asaltashed and the resulting body of water meets the	defin	ition	of waters of the United States from 1 122 CDD			
		328.3(a).	GOIM	111011	of waters of the Officed States found at 33 CFR			
		Isolated, intrastate wetland with no nexus to interstat	e com	mar	20			
		Prior converted cropland, as determined by the Natur	al Re	sour	ces Conservation Service Evaluin and and			
	H	Non-tidal drainage or irrigation ditches excavated on Other (explain):	dry la	and.	Explain rationale:			
DATA	REVIEV	WED FOR JURSIDICTIONAL DETERMINATIO	NI (1	Water and the second			
\boxtimes	Maps.	plans, plots or plat submitted by or on behalf of the ap	M (M)	ark a	ill that apply):			
Ħ	Data si	heets prepared/submitted by or on behalf of the applica	piicar	it.				
	□ Th	vis office concurs with the delineation of the applica						
	H 75	nis office concurs with the delineation report, dated	, p	repai	red by (company):			
	☐ Th	nis office does not concur with the delineation report, d	ated		, prepared by (company):			
믬	Data 31	neets prepared by the Corps.			• • •			
빌	Corps	navigable waters' studies:						
Щ	U.S. G	eological Survey Hydrologic Atlas:						
\boxtimes	U.S. G	eological Survey 7.5 Minute Topographic maps:						
	U.S. G	eological Survey 7.5 Minute Historic quadrangles						
	U.S. G	eological Survey 15 Minute Historic quadrangles.						
Ø	USDA	Natural Resources Conservation Service Soil Survey:						
X	Nationa	al wetlands inventory maps:						
一首	State/I	ocal wetland inventory maps:						
岗	FEMA	FIRM mans (Man Name & Data).						
H	FEMA/FIRM maps (Map Name & Date):							
	100-year Floodplain Elevation is: (NGVD)							
	Aerial Photographs (Name & Date): January, 1995							
Щ	Omer p	hotographs (Date):						
Щ	Advanc	ed Identification Wetland maps:						
Щ	Site visi	it/determination conducted on:						
	Applica	ble/supporting case law:						
	Other in	nformation (please specify):						

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-16409

PR		CT LOCATION INFO	ORMATION:						
	Sta								
		County: Liberty Senter coordinates of site (latitude/longitude): UTM 15 336628 E 3335353N							
	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	proximate size of area ((latitude/longitude	:): :	UTM 15 336628 E 3335353N				
	Mar	ne of nearest waterway	· I ong Island Cra	meruaing	uprands: 4.14 acres.				
			ong Island Creek	CK					
	1 141	ne of watershed.	ong island cicck						
JUI	RISD	ICTIONAL DETERM	MINATION						
		npleted: Desktop det		\boxtimes	Date: 13 October 2004				
		Site visit(s)		$oxed{oxed}$	Date(s):				
		4110 (1011(0)			240(0).				
	Jur	isdictional Determina	tion (JD):						
	8-	Preliminary JD - Base	d on available inf	ormation,	☐ there appear to be (or) ☐ there appear to be no "waters of the				
		United States" and/or	"navigable waters	of the Ui	nited States" on the project site. A preliminary JD is not appealable				
		(Reference 33 CFR pa	art 331).		1 J				
	\boxtimes		proved JD is an ap	opealable	action (Reference 33 CFR part 331).				
		Check all that apply:							
		[71	. 1	T. 1 T. O.	. " (1 C 11 22 CPP				
		There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:							
		the reviewed area. Ap	proximate size of	jurisaicu	onar area:				
		There are "waters	of the United Stat	es" (as de	efined by 33 CFR part 328 and associated guidance) within the				
		☑ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 4.14 acres.							
			uvo billo or jur						
		■ There are "isolate	d, non-navigable,	intra-stat	e waters or wetlands" within the reviewed area.				
		Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No							
		Ju	risdiction.						
BAS		F JURISDICTIONA							
					vigable waters of the United States":				
					and flow of the tide and/or are presently used, or have been used in				
		the past, or may be sus	sceptible for use <u>u</u>	transpor	t interstate or foreign commerce.				
	B.	Waters defined unde	r 33 CFR part 32	8.3(a) as	"waters of the United States":				
					sed, or were used in the past, or may be susceptible to use in				
		interstate or foreign co	mmerce, includin	g all wate	ers which are subject to the ebb and flow of the tide.				
	-31	(2) The presence of in	terstate waters inc	luding int	erstate wetlands ¹ .				
		(3) The presence of ot	her waters such as	intrastate	e lakes, rivers, streams (including intermittent streams), mudflats,				
		sandflats, wetlands, sle	oughs, prairie poth	oles, wet	meadows, playa lakes, or natural ponds, the use, degradation or				
		destruction of which c	ould affect interst	ate comm	erce including any such waters (check all that apply):				
					r foreign travelers for recreational or other purposes.				
		(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.							
	-				purposes by industries in interstate commerce.				
		(4) Impoundments of							
		(5) The presence of a t		r identifie	d in (1) - (4) above.				
	\boxtimes	(6) The presence of ter	ritorial seas.	41	-tara-efall- IVC				
	Δ	(1) The presence of we	cuands adjacent' t	o otner wa	aters of the US, except for those wetlands adjacent to other wetlands.				

FILE NUMBER: D-16409

Lat	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
*:	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Blanton & Associates
	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	WIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Application plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated 15 Se ptember 2004, prepared by (company): Blanton and Associates This office does not concur with the delineation report, dated planton and Associates This office does not concur with the delineation report, dated prepared by (company): Blanton and Associates Journal of the Applicant planton and Associates This office does not concur with the delineation report, dated planton and Associates Blanton and Associates This office does not concur with the delineation report, dated planton and Associates Blanton and Associates This office does not concur with the delineation report, dated planton and Associates This office does not concur with the delineation report, dated planton and Associates Blanton and Associates This office does not concur with the delineation report, dated planton and Associates This office does not concur with the delineation report, dated 15 Se ptember 2004, prepared by (company): Blanton and Associates This office does not concur with the delineation report, dated 15 Se ptember 2004, prepared by (company): Blanton and Associates This office concurs with the delineation report, dated 15 Se ptember 2004, prepared by (company): Blanton and Associates This office does not concur with the delineation report, dated 15 Se ptember 2004, prepared by (company): Blanton and Associates This office does not concur with the delineation report, dated 15 Se ptember 2004, prepared by (company): Blanton and Associates This office does not concur with the delineation report, dated 15 Se ptember 2004, prepared by (company): Blanton and Associates This office does not concur with the delineation report, dated 15 Se ptember 2004, prepared by (company): Blanton and Associates This office does not concur with the delineation report, dated 15 S

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: D-16447

PR	Star Con Cer App Nan	CT LOCATION INFORMATION: te: Texas conty: Matagorda nter coordinates of site (latitude/longitude): 28 39' 11"N 96 18' 42"W proximate size of area (parcel) reviewed, including uplands: 251-acres. me of nearest waterway: Turtle Cove me of watershed: Central Matagorda Bay					
JUF		DICTIONAL DETERMINATION mpleted: Desktop determination					
	Jur	isdictional Determination (JD):					
		Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).					
	Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:					
		There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:					
		There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 6.6-Acres.					
		There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.					
	A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.					
		Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including the label wetlands.					
3		(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.					
		 (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands. 					

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands C and D on the property are part of a larger wetland that is contiguous with Turtle Bay. Turtle Bay is a navigable water of the United States subject to the ebb and flow of the daily tide.

T , 1	T	File Number: D-16447
Lateral Orc	Extent of Jurisdiction: (Reference: 33 CFR parts 3 dinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	### Add to the content of the conten
☐ Mea	an High Water Mark indicated by: survey to available datum;	vegetation lines/changes in vegetation types.
⊠ Wet Nati	tland boundaries, as shown on the attached wetland oural Resource Conversation Service (NRCS)	delineation map and/or in a delineation report prepared by:
☐ The ☐ Unal ☐ Head ☐ The	Waste treatment systems, including treatment po Artificially irrigated areas, which would revert to Artificial lakes and ponds created by excavating retain water and which are used exclusively for s rice growing. Artificial reflecting or swimming pools or other s by excavating and/or diking dry land to retain wa Water-filled depressions created in dry land incid the purpose of obtaining fill, sand, or gravel unleabandoned and the resulting body of water meets 328.3(a). Isolated, intrastate wetland with no nexus to inter	is of 33 CFR part 328.3(a)(3). The following waters present on the site are not Waters of the site and sor lagoons, pursuant to 33 CFR part 328.3. The upland if the irrigation ceased. The purposes as stock watering, irrigation, settling basins, or small ornamental bodies of water created ter for primarily aesthetic reasons. The purpose is and until the construction or excavation operation is the definition of waters of the United States found at 33 CFR state commerce. The part of t
Maps Data s Data	EWED FOR JURSIDICTIONAL DETERMINATES, plans, plots or plat submitted by or on behalf of the sheets prepared/submitted by or on behalf of the app. This office concurs with the delineation report, dated of the office does not concur with the delineation reports sheets prepared by the Corps. So navigable waters' studies: Geological Survey Hydrologic Atlas: Geological Survey 7.5 Minute Topographic maps: Togeological Survey 7.5 Minute Historic quadrangles: Geological Survey 15 Minute Historic quadrangles: A Natural Resources Conservation Service Soil Survental wetlands inventory maps: Local wetland inventory maps: Local wetland inventory maps: A/FIRM maps (Map Name & Date): Lear Floodplain Elevation is: Photographs (Name & Date): undated photo sent in the photographs (Date): 2002 Lower Coast Block 3, Tenced Identification Wetland maps: Listi/determination conducted on: Cable/supporting case law: Information (please specify):	e applicant. dicant. 20 Aug 2004, prepared by NRCS rt, dated, prepared by (company): urtle Bay, Texas Quad ey: Maps and soil description submitted with the report

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: D-16446

St Co Co Aj Na	ECT LOCATION INFORMATION: ate: Texas bunty: Galveston enter coordinates of site (latitude/longitude): 29 24' 37"N 94 53' 45"W boproximate size of area (parcel) reviewed, including uplands: 36- acres. ame of nearest waterway: Dollar Bay ame of watershed: Galveston Bay
	DICTIONAL DETERMINATION ompleted: Desktop determination
Ju	risdictional Determination (JD):
	Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	☑ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS (A.	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands on the eastern portion of the property are part of a larger wetland that flows north off of the property, through a culvert structure into a storm water canal and into a lagoon area that prior to the construction of the Texas City Hurricane Flood Protection Levee was part of Galveston Bay. Galveston Bay is a navigable water of the United States subject to the ebb and flow of the daily tide. Therefore, pursuant to 33 CFR 329.4 this portion of Galveston Bay although no longer tidally influenced is still a navigable water of the United States.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: Tight Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Ø	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply: Maps, plans, plats submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated 23 Aug 2004, prepared by Dr. James Webb This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Texas City, Texas Quad U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Antural Resources Conservation Service Soil Survey: National wetlands inventory maps: Tema/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Im 1995 Aerial DOQQ, Texas City, Texas Quad Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): USACE File D-12340, Jurisdictional Determination for subject property

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-16447/01

Cen App Nan	unty: Matagorda nter coordinates of site proximate size of area me of nearest waterway me of watershed: O	(latitude/longitude (parcel) reviewed,	including	28 39' 10"N, 96 18' 41" W (NAD 27) uplands: 250 acres.
	DICTIONAL DETER mpleted: Desktop de Site visit(s)	etermination		Date: 15 October 2004 Date(s):
Jur	isdictional Determina	ation (JD):		
☒	Preliminary JD - Bas United States" and/or (Reference 33 CFR p	r "navigable waters	formation, s of the Un	☑ there appear to be (or) ☐ there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
	Approved JD – An ap Check all that apply:	pproved JD is an ap	pealable	action (Reference 33 CFR part 331).
	There are "navigathe reviewed area: A	able waters of the Upproximate size of	Inited Sta jurisdicti	tes" (as defined by 33 CFR part 329 and associated guidance) within onal area:
	There are "waters reviewed area. Appro	of the United State eximate size of juri	es" (as de sdictional	efined by 33 CFR part 328 and associated guidance) within the larea:
	D D	ed, non-navigable, pecision supported l decision supported lurisdiction.	<i>intra-state</i> by SWAN	e waters or wetlands" within the reviewed area. CC/Migratory Bird Rule Information Sheet for Determination of No.
A.	The presence of water	er 33 CFR part 32 rs that are subject to	9 as "nave the ebb	rigable waters of the United States": and flow of the tide and/or are presently used, or have been used in a interstate or foreign commerce.
	(1) The presence of w interstate or foreign of (2) The presence of in (3) The presence of of sandflats, wetlands, sl destruction of which of (ii) which are or (iii) from which find (iii) which are or (4) Impoundments of (5) The presence of a (6) The presence of te	vaters, which are cu- commerce, including atterstate waters including ther waters such as loughs, prairie poth could affect intersta- could be used by int ish or shellfish are of could be used for i waters otherwise de- tributary to a water critorial seas.	rrently us g all wate luding into intrastate coles, wet ate common terstate or could be industrial efined as identified	lakes, rivers, streams (including intermittent streams), mudflats, meadows, playa lakes, or natural ponds, the use, degradation or erce including any such waters (check all that apply): foreign travelers for recreational or other purposes. The taken and sold in interstate or foreign commerce. The purposes by industries in interstate commerce. Waters of the US.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands located on the property appear to be part of larger wetland that is contiguous with Turtle Bay. Turtle Bay is a navigable water of the United States subject to the ebb and flow of the daily tide.

FILE NUMBER: D-16447/01 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics tidal gages destruction of terrestrial vegetation shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for \Box the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Turtle Bay U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Calhoun County National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): January 2002, Lower Coast Block 3, Texas GLO Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): CESWG file D-16447

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-16616

United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) with the reviewed area. Approximate size of jurisdictional area: 0.05. There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Maters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.			
Completed: Desktop determination Date: 20 October 2004 Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: Approved JD is an appealable action (Reference 33 CFR part 329 and associated guidance) with the reviewed area. Approximate size of jurisdictional area: 0.05. There are "vaters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (1) which are or could be used by interstate commerce including any such waters (check all that apply): (3) The presence of other waters to therefore interstate commerce including any such waters (check all that apply): (4) Impoundme	PR	Sta Cor Cer Ap	nate: State rounty: Harris rounter coordinates of site (latitude/longitude): Lat: 29.38.08 Long: 95.00.55 roproximate size of area (parcel) reviewed, including uplands: 0.10 acres. rounded meaning the state of the
Preliminary JD - Based on available information,	JU		mpleted: Desktop determination Date: 20 October 2004
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) with the reviewed area. Approximate size of jurisdictional area: 0.05. There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Maters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.		Jur	risdictional Determination (JD):
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		M	 (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above.

FILE NUMBER: D-16616

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation ☐ tidal gages shelving other: Pictures provided by applicant other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. П Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): 26 Setember 2004 Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG **FILE NUMBER:** SWG-04-33-023

PROJI	ECT LOCATION INFORMATION:							
St	ate: Texas							
	punty: Harris							
	enter coordinates of site (latitude/longitude): Lat: 29.45.42 Long: 95.22.15							
Aj	Approximate size of area (parcel) reviewed, including uplands: 0.28 acres.							
Na	ume of nearest waterway: Buffalo Bayou							
Na	ume of watershed: Buffalo - San Jacinto							
JURIS	DICTIONAL DETERMINATION							
Co	pmpleted: Desktop determination Date: 20 October 2004							
	Site visit(s) Date(s):							
Ju	risdictional Determination (JD):							
	Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the							
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable							
	(Reference 33 CFR part 331).							
\boxtimes	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331).							
	Check all that apply:							
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within							
	the reviewed area. Approximate size of jurisdictional area:							
	☐ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the							
	reviewed area. Approximate size of jurisdictional area:							
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.							
	Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No.							
	Jurisdiction.							
BASIS	OF JURISDICTIONAL DETERMINATION:							
Α.	Waters defined under 33 CFR part 329 as "navigable waters of the United States":							
П	The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in							
···········	the past, or may be susceptible for use to transport interstate or foreign commerce.							
В.								
	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in							
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.							
	(2) The presence of interstate waters including interstate wetlands ¹ .							
	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,							
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or							
	destruction of which could affect interstate commerce including any such waters (check all that apply):							
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.							
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.							
	(iii) which are or could be used for industrial purposes by industries in interstate commerce.							
	(4) Impoundments of waters otherwise defined as waters of the US.							
\boxtimes	(5) The presence of a tributary to a water identified in $(1) - (4)$ above.							
	(6) The presence of territorial seas.							
	(7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetlands.							
Dat	ionale for the Design of Invitational Determination (and the termination (and the termination)							

FILE NUMBER: SWG-04-33-023

Lat	Cordinary High Water Mark indicated by:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	 Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps:
	U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): (00-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG **FILE NUMBER:** SWG-04-13-016

Sta Co Ce Ap Na	ite: unty: nter coordir proximate s	Texas Harris nates of si size of are est waterw	te (latitude/long ta (parcel) reviev ay: Buffalo Bay Buffalo - San J	itude): ved, includir ou	Lat: 29.45.42 Long: 95.22.15 ng uplands: 0.28 acres.		
			RMINATION determination (s)		Date: 20 October 2004 Date(s):		
Jui	risdictional	l Determi	nation (JD):				
	United St	ates" and	ased on availabl /or "navigable w a part 331).	e informatio aters of the	n, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable		
\boxtimes	Approved Check all			an appealabl	le action (Reference 33 CFR part 331).		
			gable waters of Approximate size		states" (as defined by 33 CFR part 329 and associated guidance) within ctional area:		
			ers of the United proximate size o		defined by 33 CFR part 328 and associated guidance) within the nal area:		
	☐ There	are "isolo			ate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No		
	Waters de The presen	efined un nce of wa	ters that are subj	rt 329 as "n ect to the eb	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.		
B.	(1) The printerstate (2) The pr (3) The pr sandflats, destruction (ii) wh (iii) fr (iii) v (4) Impou (5) The pr	resence of or foreign resence of resence of wetlands, n of which are of which are which are andments of resence of	waters, which a commerce, inclinaterstate waters other waters such sloughs, prairie h could affect in recould be used to fish or shellfish or could be used of waters otherw	re currently uding all was s including i ch as intrasta potholes, w terstate com- by interstate are or could for industri- ise defined a	used, or were used in the past, or may be susceptible to use in sters which are subject to the ebb and flow of the tide. Interstate wetlands. Interstate wetlands. Interstate wetlands intermittent streams, mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. In the taken and sold in interstate or foreign commerce. In the purposes by industries in interstate commerce. In the use, degradation or merce all purposes by industries in interstate commerce. In the use, degradation or merce and purposes by industries in interstate commerce. In the use of the use, as waters of the Use. The use of the use		
□ Dot	(7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetlands. Rationals for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the invisidational						

FILE NUMBER: SWG-04-13-016 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: RPLS Survey provided by applicant Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created П by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for П the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD)

Aerial Photographs (Name & Date):

Advanced Identification Wetland maps: Site visit/determination conducted on:

Other photographs (Date):

Applicable/supporting case law:
Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: Galveston District

FILE NUMBER: D-16529

			NFORMATION:				
	State:	Texas					
	County:	Orange					
	Center coordinates of site (latitude/longitude): 30-3-42.9618 / 93-54-21.0433 Approximate size of area (parcel) reviewed, including uplands: 0.019 acres.						
	Name of nearest waterway: Bessie Heights Ditch Lateral No. 2						
]	Name of wat	ershed:	Bessie Heights M	arsh			
шрі	SDICTION	AL DETE	ERMINATION		·		
			determination	⊠	Date: September 28, 2004		
`	completeu.	•			-		
		Site visit	u(s)	Ш	Date(s):		
J	urisdiction	al Determ	ination (JD):				
	Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).						
		Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:					
		There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:					
	☑ <i>There are</i> "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:						
	There	e are "isolo			te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.		
BASIS	OF JURIS	DICTION	NAL DETERMINA	ATION:			
A					vigable waters of the United States":		
	The prese	ence of wa	ters that are subject	to the ebb	and flow of the tide and/or are presently used, or have been used in rt interstate or foreign commerce.		
В	Waters d	lefined un	der 33 CFR nart 3	28 3(a) as	s "waters of the United States".		
0.00	B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use						
Z.					ers which are subject to the ebb and flow of the tide.		
			interstate waters in				
		(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,					
Kirra					t meadows, playa lakes, or natural ponds, the use, degradation or		
					nerce including any such waters (check all that apply):		
					or foreign travelers for recreational or other purposes.		
					be taken and sold in interstate or foreign commerce.		
					l purposes by industries in interstate commerce.		
			of waters otherwise				
Ē		(5) The presence of a tributary to a water identified in $(1) - (4)$ above.					
			territorial seas.		•		
	(7) The p	resence of	wetlands adjacent ²	to other w	vaters of the US, except for those wetlands adjacent to other wetlands.		

FILE NUMBER: D-16529

La ⊠	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank Oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics destruction of terrestrial vegetation tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
DATA DI	Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actional wetlands inventory maps: State/Local wetland inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Actial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: D-16613

PR	Sta Con Cer App Nar	CT LOCATION INFORMATION: te: Texas unty: Trinity hter coordinates of site (latitude/longitude proximate size of area (parcel) reviewed, ne of nearest waterway: Lake Livingston	including	
JUI	RISD	ne of watershed: Lower Trinity-Kickapo DICTIONAL DETERMINATION mpleted: Desktop determination		Date: 18 October 2004
	Cui	Site visit(s)		Date(s):
	Jur	isdictional Determination (JD):		
		Preliminary JD - Based on available inf United States" and/or "navigable waters (Reference 33 CFR part 331).	ormation s of the U	, \square there appear to be (or) \square there appear to be no "waters of the Inited States" on the project site. A preliminary JD is not appealable
	\boxtimes	Approved JD – An approved JD is an approved JD – An approved JD – An approved JD is an approved JD is an approved JD – An approved JD is a positive JD is a positi	ppealable	e action (Reference 33 CFR part 331).
		There are "navigable waters of the Uthe reviewed area. Approximate size of	Jnited Sta jurisdict	ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
		There are "waters of the United Stat reviewed area. Approximate size of jur	es" (as d	lefined by 33 CFR part 328 and associated guidance) within the al area:
				te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No
BAS		OF JURISDICTIONAL DETERMINA		
	A.	Waters defined under 33 CFR part 32 The presence of waters that are subject t the past, or may be susceptible for use \underline{t}	o the ebb	and flow of the tide and/or are presently used, or have been used in
		Waters defined under 33 CFR part 32 (1) The presence of waters, which are co		"waters of the United States": sed, or were used in the past, or may be susceptible to use in
		interstate or foreign commerce, includin	g all wate	ers which are subject to the ebb and flow of the tide.
	Ш	(2) The presence of interstate waters inc(3) The presence of other waters such as	intrastat	e lakes, rivers, streams (including intermittent streams), mudflats.
		destruction of which could affect intersta	ate comm	t meadows, playa lakes, or natural ponds, the use, degradation or herce including any such waters (check all that apply):
		(i) which are or could be used by in (ii) from which fish or shellfish are	terstate o or could	r foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce.
			industrial	purposes by industries in interstate commerce.
	ᆸ	(5) The presence of a tributary to a water		
		 (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to 	o other w	raters of the US, except for those wetlands adjacent to other wetlands.
		onale for the Basis of Jurisdictional De head is below the 131-foot, pool elevatio		tion (applies to any boxes checked above). The proposed fill for the e Livingston.

	D-16613 Ordinary High Water Mark indicated by:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quad

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-16102(01)

PROJI	ECT LOCATION	ON INFORMATION:		
St	ate: Tx	<u>.</u>		
Co	ounty: Ga	lveston		
Ce	nter coordinate	es of site (latitude/longitue	de):	UTM 15, 304137E, 3261260N
A	proximate size	of area (parcel) reviewed	d, including	g uplands: 5 acres.
		waterway: Dickinson Bay		•
	me of watershe			·
		,		
JURIS	DICTIONAL I	DETERMINATION		
		sktop determination	\boxtimes	Date: 10/19/04
•	-	e visit(s)	Ħ.	Date(s):
	510	c visit(s)	البنا	Date(s).
Ju	risdictional De	etermination (JD):		
\boxtimes	Preliminary J	JD - Based on available is	nformation	\square , \square there appear to be (or) \boxtimes there appear to be no "waters of the
				Inited States" on the project site. A preliminary JD is not appealable
		3 CFR part 331).		
	`	• •		
[3]	Approved JD) - An approved JD is an	appealable	e action (Reference 33 CFR part 331).
	Check all tha		• •	• ,
	There are	"navigable waters of the	United St	ates" (as defined by 33 CFR part 329 and associated guidance) within
		area. Approximate size		
		••	•	
	There are	"waters of the United St	ates" (as c	defined by 33 CFR part 328 and associated guidance) within the
		a. Approximate size of ju		
		11 3		
	☐ There are	: "isolated, non-navigable	e, intra-sta	te waters or wetlands" within the reviewed area.
				NCC/Migratory Bird Rule Information Sheet for Determination of No
		Jurisdiction.	•	,
BASIS	OF JURISDIC	CTIONAL DETERMIN	ATION:	
A.	Waters defin	ned under 33 CFR part	329 as "na	avigable waters of the United States":
				and flow of the tide and/or are presently used, or have been used in
				rt interstate or foreign commerce.
	1 ,	, ,		
В.	Waters defin	ned under 33 CFR part	328.3(a) a	s "waters of the United States":
П				used, or were used in the past, or may be susceptible to use in
				ers which are subject to the ebb and flow of the tide.
П		ence of interstate waters in		
一同				te lakes, rivers, streams (including intermittent streams), mudflats,
				et meadows, playa lakes, or natural ponds, the use, degradation or
				nerce including any such waters (check all that apply):
				or foreign travelers for recreational or other purposes.
				be taken and sold in interstate or foreign commerce.
	` ` `			l purposes by industries in interstate commerce.
П		nents of waters otherwise		
H		ence of a tributary to a wa		
님		ence of a tributary to a wa	ici idelitill	σα III (1) (1) μυστο.
H			to other w	vaters of the US, except for those wetlands adjacent to other wetlands.
لتنا	(7) The presen		to other v	sales of the ob, except for those wettailes adjacent to other wettailes.

FILE NUMBER: d-16102(01)

	Atteral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
ž.	☐ other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	sis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on:
B	Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-16611

	CT LOCATION INFORMATION:		
Cer App Nar	te: Tx Inty: Jasper Inter coordinates of site (latitude/longitude proximate size of area (parcel) reviewed, me of nearest waterway: Sabine River me of watershed: Sabine		30.7055N 93.9114 W uplands: 10 acres.
	npleted: Desktop determination Site visit(s)		Date: 10/19/04 Date(s):
Jur	isdictional Determination (JD):		
	Preliminary JD - Based on available inf United States" and/or "navigable water: (Reference 33 CFR part 331).	formation, s of the U	☐ there appear to be (or) ☑ there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
	Approved JD – An approved JD is an a Check all that apply:	ppealable	action (Reference 33 CFR part 331).
	There are "navigable waters of the the reviewed area. Approximate size of		ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
	There are "waters of the United Starreviewed area. Approximate size of jur		efined by 33 CFR part 328 and associated guidance) within the la area:
	There are "isolated, non-navigable, Decision supported Jurisdiction.	intra-stat by SWAI	te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
BASIS (OF JURISDICTIONAL DETERMINA	TION:	
Α.	Waters defined under 33 CFR part 3	29 as "na to the ebb	and flow of the tide and/or are presently used, or have been used in
B.	Waters defined under 33 CFR part 3 (1) The presence of waters, which are conterstate or foreign commerce, including	urrently u	s "waters of the United States": sed, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide.
	(2) The presence of interstate waters inc (3) The presence of other waters such a sandflats, wetlands, sloughs, prairie pot destruction of which could affect inters (i) which are or could be used by inc (ii) from which fish or shellfish are (iii) which are or could be used for	cluding in s intrastate tholes, we tate comm nterstate of e or could	terstate wetlands ¹ . e lakes, rivers, streams (including intermittent streams), mudflats, t meadows, playa lakes, or natural ponds, the use, degradation or herce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. I purposes by industries in interstate commerce.
Ħ	(4) Impoundments of waters otherwise(5) The presence of a tributary to a wate(6) The presence of territorial seas.	defined as er identific	s waters of the US. ed in (1) – (4) above.
Ĭ	(7) The presence of wetlands adjacent ²	to other w	vaters of the US, except for those wetlands adjacent to other wetlands.
Rat wat	ionale for the Basis of Jurisdictional Deer or wetland is not itself a navigable wa	etermina ter of the	tion (applies to any boxes checked above). If the jurisdictional United States, describe connection(s) to the downstream navigable

FILE NUMBER: D-16611 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics tidal gages destruction of terrestrial vegetation shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: П Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. \Box Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG

U.S. Army Corps of Engineers

FILE NUMBER: SWG-04-14-044 PROJECT LOCATION INFORMATION: State: Texas County: Harris Center coordinates of site (latitude/longitude): 30° 05′ 32″N, 95° 24′ 21″W (NAD27) Approximate size of area (parcel) reviewed, including uplands: 6 acres. Name of nearest waterway: Spring Creek Name of watershed: East Fork San Jacinto JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: 18 October 2004 Site visit(s) П Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, \(\sum \) there appear to be (or) \(\sum \) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (2) The presence of interstate waters metuding interstate wetters.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The 0.15-acre of wetlands are adjacent to Spring Creek which eventually flows into the San Jacinto River, then into Lake Houston.

Lateral Ord	Extent of Jurisdiction: (Reference: 33 CFR parts 32 dinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: Applicant	High Tide oil or fine s	SWG-04-14-044 Line indicated by: r scum line along shore objects shell or debris deposits (foreshore) ical markings/characteristics gages :
☐ Mea ☐ s	an High Water Mark indicated by: survey to available datum; physical markings;	vegetation lines/c	hanges in vegetation types.
Wetl	tland boundaries, as shown on the attached wetland douch Environmental Services, Inc.	elineation map and	l/or in a delineation report prepared by:
☐ The in Unable Head	reviewed area consists entirely of uplands. ble to confirm the presence of waters in 33 CFR part dquarters declined to approve jurisdiction on the basis Corps has made a case-specific determination that the states: Waste treatment systems, including treatment pon Artificially irrigated areas, which would revert to a Artificial lakes and ponds created by excavating a retain water and which are used exclusively for surice growing. Artificial reflecting or swimming pools or other sm by excavating and/or diking dry land to retain water water-filled depressions created in dry land incide the purpose of obtaining fill, sand, or gravel unless abandoned and the resulting body of water meets the 328.3(a). Isolated, intrastate wetland with no nexus to interst Prior converted cropland, as determined by the Nation-tidal drainage or irrigation ditches excavated of Other (explain):	s of 33 CFR part 3: e following waters ds or lagoons, purs upland if the irriga and/or diking dry la ch purposes as stor mall ornamental bo er for primarily aes ntal to constructio and until the cons the definition of wa tate commerce.	28.3(a)(3). It present on the site are not Waters of the suant to 33 CFR part 328.3. It in ceased. Ind to collect and ck watering, irrigation, settling basins, or odies of water created sthetic reasons. In activity and pits excavated in dry land for struction or excavation operation is atters of the United States found at 33 CFR
Maps, Data s Data s Data s Corps U.S. G U.S. G U.S. G U.S. G Acrial Other p Advance Site vis Applic	EWED FOR JURSIDICTIONAL DETERMINATION, plans, plots or plat submitted by or on behalf of the sheets prepared/submitted by or on behalf of the application office concurs with the delineation report with the delineation report of this office does not concur with the delineation report of the sheets prepared by the Corps. The construction of the concurs with the delineation report of the construction of the concurs with the delineation report of the construction o	applicant. icant. October 1, 2003_, , dated	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDIC HUNAL DE LERMINA HUN

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-16599

PRO	JEC	T LOCA		FORMATION:		
	State		TX			
(Cour	nty:	Matagor	da		Latitude: 28 46' 58"; Longitude: -95 35' 30"
(Jent.	er coordir	nates of si	ite (latitude/longit ea (parcel) review	uae): od. includin	ng unlands: acres.
<i>F</i>	Appı	roximate s	size of are	vay: Gulf Intracoa	cu, menuum etal Wateru	ng upranus. acres.
		e of water		San Bernard Hi	ic: 1209040	11
1	Naiii	e or water	isiicu.	Sun Dernard Tre	1207010	· ·
JURI	SDI	ICTIONA	L DETE	ERMINATION		
(Com	pleted:	Desktop	determination	\boxtimes	Date: 22 October 2004
			Site visi	t(s)		Date(s):
				ination (JD):		
[Prelimina	ary JD - E	Based on available	information	n, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
		(Referen	ce 33 CF	R part 331).	ners or the	Officer states on the project site. At premiumary 32 to not appearance
ı	Ø	Approve	d JD – Aı	n approved JD is a	ın appealabl	le action (Reference 33 CFR part 331).
			l that app			
		⊠ <i>TI</i>	'Smar	icable weters of t	he United S	States" (as defined by 33 CFR part 329 and associated guidance) within
		the revie	wed area.	Approximate siz	e of jurisdic	ctional area:
		☑ There	e are "wa	ters of the United	States" (as	defined by 33 CFR part 328 and associated guidance) within the
		reviewed	l area. Ap	pproximate size of	f jurisdictio	nal area:
		□ There	e are "iso	olated non-naviga	hle. intra-st	tate waters or wetlands" within the reviewed area.
				Decision suppo	rted by SW	ANCC/Migratory Bird Rule Information Sheet for Determination of No
				Jurisdiction.		
DAG	18 (E HIRIS	SDICTIO	NAL DETERM	INATION:	
	Δ	Waters	defined u	inder 33 CFR pa	rt 329 as "r	navigable waters of the United States":
	$\dot{\boxtimes}$	The pres	ence of w	aters that are subi	ect to the el	bb and flow of the tide and/or are presently used, or have been used in
		the past,	or may b	e susceptible for t	ise <u>to trans</u> p	port interstate or foreign commerce.
	_	***	1.6	anden 22 CED no	-+ 229 3(a)	as "waters of the United States":
	B. ⊠	Waters	defined t	i nder 33 CFK pa of waters which a	re currently	used, or were used in the past, or may be susceptible to use in
		interstate	e or foreig	on commerce, incl	uding all w	raters which are subject to the ebb and flow of the tide.
	П	(2) The 1	nresence (of interstate water	s including	interstate wetlands'.
		(3) The 1	nresence i	of other waters su	ch as intrast	tate lakes, rivers, streams (including intermittent streams), mudilats,
		sandflats	s, wetland	ls, sloughs, prairie	potholes, v	wet meadows, playa lakes, or natural ponds, the use, degradation or
		destructi	on of wh	ich could affect in	terstate con	nmerce including any such waters (check all that apply):
		님 (j) y	which are	or could be used	by interstate	e or foreign travelers for recreational or other purposes. Ild be taken and sold in interstate or foreign commerce.
		(!!)	from whi	on iish or shellilish	l are or cou	rial purposes by industries in interstate commerce.
	П	(4) Impo	undment	s of waters otherv	vise defined	l as waters of the US.
	H	(5) The	presence	of a tributary to a	water ident	ified in (1) – (4) above.
	Ħ	(6) The	nresence	of territorial seas		
		(7) The	presence	of wetlands adjace	ent ² to other	r waters of the US, except for those wetlands adjacent to other wetlands

FILE NUMBER: D-16599

eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ other: □ High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics □ tidal gages other:
Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
s For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
☐ Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:☐ Other (explain):
EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Cedar Lakes West U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Astural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): 24 September 2004 Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e. occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: SWG-04-07-052

PROJ	ECT LOCA	ATION IN	FORMATION:		
C C A N	pproximate	size of are est waterw	d te (latitude/longitud a (parcel) reviewed 'ay: Little Pointe Sl Little Pointe Slou	l, including ough	UTM 15 235707E 3287430N g uplands: acres.
			RMINATION determination (s)	X	Date: 10-21-04 Date(s):
Ju	risdictiona	l Determi	nation (JD):		
	United S	tates" and			, \(\sum_{\text{there appear to be (or)}} \sum_{\text{there appear to be no "waters of the Inited States"}}\) on the project site. A preliminary JD is not appealable
×		d JD – An l that apply		appealable	e action (Reference 33 CFR part 331).
			gable waters of the Approximate size of		ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
	☑ There reviewed	are "wate area. Ap	ers of the United St. proximate size of ju	ates" (as d	defined by 33 CFR part 328 and associated guidance) within the al area: .01 acre.
	■ There	are "isolo			ete waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
<u>A</u> .	Waters of	lefined ur ence of wa	ters that are subject	329 as "nat to the ebb	avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in at interstate or foreign commerce.
B.	(1) The p interstate (2) The p (3) The p sandflats. destructio (i) w (ii) f (iii) (4) Impol (5) The p (6) The p	or foreign or foreign oresence of oresence of owetlands on of which which are of oresence of oresence of	waters, which are a commerce, includ interstate waters in other waters such, sloughs, prairie poh could affect inter r could be used by a fish or shellfish and or could be used for waters otherwise a tributary to a was territorial seas.	currently using all wat neluding in as intrastal otholes, we state comminterstate or could or industriate defined a ter identification.	te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. It be taken and sold in interstate or foreign commerce.
_					

FILE NUMBER: SWG-04-07-052

	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank Diagram of the presence of litter and debris Diagram of the character of soil Diagram of the character of soil Diagram of the character of soil Diagram of the character of the charact
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
- C - C - C - C - C - C - C - C - C - C	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	In the reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG **FILE NUMBER:** 23575

PRO.	JECT LOCATION INFORMATION:
9	State: Texas
(County: Galveston
(Center coordinates of site (latitude/longitude): UTM 15 315336E 3238542N
A	Approximate size of area (parcel) reviewed, including uplands: acres.
1	Name of nearest waterway: Galveston Bay
	Name of watershed: Galveston Bay
	24,7
JURI	SDICTIONAL DETERMINATION
	Completed: Desktop determination
Ì	
	Site visit(s) Date(s):
J	urisdictional Determination (JD):
Г	Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq there appear to be no "waters of the or the content of the con
****	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Σ	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331).
	Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
RASIS	OF JURISDICTIONAL DETERMINATION:
A.	
Ë	The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in
	the past, or may be susceptible for use to transport interstate or foreign commerce.
	the past, of may be susceptible for use to transport interstate of foreign commerce.
В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
1 23	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
	(2) The presence of interstate waters including interstate wetlands ¹ .
F	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply):
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerces.
	- (=) == ===
	(iii) which are or could be used for industrial purposes by industries in interstate commerce.
H	(4) Impoundments of waters otherwise defined as waters of the US.
H	(5) The presence of a tributary to a water identified in (1) – (4) above.
H	(6) The presence of wetlands adjacent ² to other waters of the US amount for the presence of wetlands adjacent ² to other waters of the US amount for the presence of wetlands adjacent for the presence of wetlands adjacent for the presence of the US amount for
لتنا	(7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: 23575

	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank High Tide Line indicated by: Clear, natural line impressed on the bank Oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics destruction of terrestrial vegetation tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Berg Oliver and Associates
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** 23573

11221	01.22.23.23					
Sta Cor Cer Ap _l Nar	te: unty: nter coordi proximate	Texas Galvesto nates of si size of are est waterw	te (latitude/long	itude): wed, includ	ıding	N29.17838992, W94.97833345 uplands: 50 acres.
			RMINATION determination (s)			Date: 13 October 2004 Date(s):
Jur	isdictiona	l Determi	nation (JD):			
	Prelimina United S	ary JD - B tates" and	ased on availabl			there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
×		d JD – An l that appl		an appeala	able	action (Reference 33 CFR part 331).
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:					
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:					
	□ There	are "isolo	ated, non-navige Decision suppo Jurisdiction.	able, intra- orted by SV	ı-stat WAN	e waters or wetlands" within the reviewed area. WCC/Migratory Bird Rule Information Sheet for Determination of No.
BASIS (A.	Waters of The prese	lefined un ence of wa	ters that are sub	rt 329 as ject to the	"navebb	vigable waters of the United States": and flow of the tide and/or are presently used, or have been used in tinterstate or foreign commerce.
B.	(1) The p interstate (2) The p (3) The p sandflats, destruction (i) w	resence of or foreign resence of resence of wetlands on of whice which are of	waters, which a commerce, inc interstate water other waters su, sloughs, prairie h could affect in r could be used a fish or shellfisl	are current luding all resident including all resident including the control of t	tly us water astate, wet ommate or	"waters of the United States": sed, or were used in the past, or may be susceptible to use in or which are subject to the ebb and flow of the tide. erstate wetlands. e lakes, rivers, streams (including intermittent streams), mudflats, meadows, playa lakes, or natural ponds, the use, degradation or erce including any such waters (check all that apply): r foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. purposes by industries in interstate commerce.
	(4) Import (5) The p	undments resence of	of waters otherv	vise define	ed as	waters of the US. d in (1) – (4) above.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Within and adjacent to the Gulf of Mexico.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: 23573

	A DE A CELLULA (D.C. 22 CED . 220 L220)
	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)
Ш	Ordinary High Water Mark indicated by: Migh Tide Line indicated by:
	☐ clear, natural line impressed on the bank ☐ oil or scum line along shore objects
	the presence of litter and debris fine shell or debris deposits (foreshore)
	changes in the character of soil physical markings/characteristics
	destruction of terrestrial vegetation tidal gages
	shelving Souther: Plans
	other:
	Many IP de Wester Med. Self. and I
	Mean High Water Mark indicated by:
	survey to available datum; physical markings; vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Berg
	Oliver and Associates
Do	is For Not Asserting Juniedictions
Das	is For Not Asserting Jurisdiction:
	The reviewed area consists entirely of uplands.
Ш	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
П	The Corps has made a case-specific determination that the following waters present on the site are not Waters of the
*******	United States:
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert to upland if the irrigation ceased.
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing.
	Artificial reflecting or swimming pools or other small ornamental bodies of water created
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR
	328.3(a).
	Isolated, intrastate wetland with no nexus to interstate commerce.
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	This converted cropiand, as determined by the rvalural resources conservation service. Explain rationale.
	The state of the s
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Other (explain):
DATA R	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.
	Data sheets prepared/submitted by or on behalf of the applicant.
	This office concurs with the delineation report, dated , prepared by (company):
	This office does not concur with the delineation report, dated , prepared by (company):
П	Data sheets prepared by the Corps.
一	Corps' navigable waters' studies:
H	
	U.S. Geological Survey Hydrologic Atlas:
	U.S. Geological Survey 7.5 Minute Topographic maps:
Ш	U.S. Geological Survey 7.5 Minute Historic quadrangles:
	U.S. Geological Survey 15 Minute Historic quadrangles:
П	USDA Natural Resources Conservation Service Soil Survey:
一	National wetlands inventory maps:
	State/Local wetland inventory maps:
Ш	FEMA/FIRM maps (Map Name & Date):
	100-year Floodplain Elevation is: (NGVD)
	Aerial Photographs (Name & Date):
	Other photographs (Date):
一	Advanced Identification Wetland maps:
吕	Site visit/determination conducted on:
Ш	Applicable/supporting case law:
	Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG **FILE NUMBER:** 14392(05)/1931

				FORMATION:		
	Stat					
		•	vesto		uda).	I atituda 20 081 2111. I anaituda 05 021 4011
				te (latitude/longit a (parcel) reviewe		Latitude 29 08' 21"; Longitude -95 03' 40" g uplands: acres.
				a (parcer) reviews		g upianus. acres.
		ne of mearest w		West Galveston		2040204
	i vai	ne or watershe	u.	west Garveston	Day Huc I	2040204
HIR	ISD	ICTIONAL D	ETE	RMINATION		
		npleted: Des			\boxtimes	Date: 20 October 2004
		-	visit		百	Date(s):
		516	, v131t	(3)	E	Duic(3).
	Juri	isdictional Det	termi	nation (JD):		
		Preliminary J	D - B	ased on available	informatio	n , \square there appear to be (or) \square there appear to be no "waters of the
		United States	" and	or "navigable wa	ters of the U	Jnited States" on the project site. A preliminary JD is not appealable
		(Reference 33				
_						
	\boxtimes				ı appealabl	e action (Reference 33 CFR part 331).
		Check all that	appl	y:		
		N2 m			. I I i4 . d C.	**************************************
				Approximate size		tates" (as defined by 33 CFR part 329 and associated guidance) within
		ille leviewed a	arca.	Approximate size	or jurisuic	tional area.
		There are	"wate	ers of the United S	States" (as	defined by 33 CFR part 328 and associated guidance) within the
				proximate size of		
				,	,	
		☐ There are	"isol	ated, non-navigab	le, intra-sta	ate waters or wetlands" within the reviewed area.
					ed by SWA	NCC/Migratory Bird Rule Information Sheet for Determination of N
				Jurisdiction.		
D. CI	· a . a	E HIDIODIC	TION	IAI DETERMIN	TATION.	
				NAL DETERMIN		avigable waters of the United States":
						b and flow of the tide and/or are presently used, or have been used in
Ŀ	<u> </u>					ort interstate or foreign commerce.
		the past, of the	19 00	susceptione for us	e to transpe	Te mersure or rereign commerce.
F	3.	Waters define	ed un	der 33 CFR part	328.3(a) a	s "waters of the United States":
						used, or were used in the past, or may be susceptible to use in
						ters which are subject to the ebb and flow of the tide.
						nterstate wetlands ¹ .
]					te lakes, rivers, streams (including intermittent streams), mudflats,
						et meadows, playa lakes, or natural ponds, the use, degradation or
						nerce including any such waters (check all that apply):
		(i) which	are o	r could be used by	interstate	or foreign travelers for recreational or other purposes.
						be taken and sold in interstate or foreign commerce.
F						al purposes by industries in interstate commerce.
ļ						s waters of the US.
Ļ					ater identif	ied in (1) – (4) above.
L	4	(7) The present	ice of	territorial seas.	t ² to other :	waters of the US, except for those wetlands adjacent to other wetlands.
ū		(/) The presen	ice of	wettanus aujacen	i to otner v	waters of the 05, except for mose wetlands adjacent to other wetlands.

FILE NUMBER: 14392(05)/1931 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created П by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Sea Isle, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Galveston, 2003 Other photographs (Date): October 2004 Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** 23488

DDAIF	CTIO	'ATION	INFOR	MATION:

State: Texas

County: Matagorda County

Center coordinates of site (latitude/longitude):

28° 46′ 53" N, 95° 37′ 38" W

Approximate size of area (parcel) reviewed, including uplands: 0.23 acres.

Name of nearest waterway: Canal contigous with Caney Creek
Name of watershed: Huc Code:12090402, East Matagorda Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination Site visit(s) Date: 19 October 2004

Date: 19 October 2004

Date(s): 31 August 2004

Jurisdictional	Determ	ination	(J	D,):
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П	Preliminary JD - Based on available information, \(\subseteq \text{ there appear to be (or) } \subseteq there appear to be no "waters of the or the content of the
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	Officed States and/of havigable waters of the officed states of the project site.
	(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1800 square feet.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

D.	Waters defined dider by of it parts of the
П	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
П	(2) The presence of interstate waters including interstate wetlands ¹ .
Ħ	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply):
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
	(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: 23488

	Ordinary High Water Mark indicated by: I clear, natural line impressed on the bank I changes in the character of soil I destruction of terrestrial vegetation Shelving Ordinary High Water Mark indicated by: I High Tide Line indicated by: Oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages Other:
×	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☒ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Other (explain):
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Sargent Quadrangle U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: National wetlands inventory maps: Sargent Quadrangle State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): 31 August 2004 Advanced Identification Wetland maps: Site visit/determination conducted on: 31 August 2004 Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., Coccurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

The term "adjacent" means bordering, contiguous, or neighboring. Western the company of the continuous of the company of the company of the continuous of the company of the company

barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG **FILE NUMBER:** 23572

PR	OJE	ECT LOCATION INFORMATION:		
	Sta	ate: Texas		
	. Co	ounty: Galveston		
	Cei	enter coordinates of site (latitude/longitude):		X=3275696.9, Y=544940 NAD 27
	Ap	pproximate size of area (parcel) reviewed, incl	luding	uplands: acres.
		ame of nearest waterway: Greens Lake		
	Na	ame of watershed: West Galveston Bay		
\mathbf{JU}	RISI	DICTIONAL DETERMINATION		
	Co	ompleted: Desktop determination		Date: 10-13-04
		Site visit(s)		Date(s):
	Jur	risdictional Determination (JD):		
		Preliminary JD - Based on available inform	nation,	there appear to be (or) there appear to be no "waters of the
		United States" and/or "navigable waters of	the Un	ited States" on the project site. A preliminary JD is not appealable
		(Reference 33 CFR part 331).		
	\boxtimes	Approved JD – An approved JD is an appea	alable a	action (Reference 33 CFR part 331).
		Check all that apply:		
				es" (as defined by 33 CFR part 329 and associated guidance) within
		the reviewed area. Approximate size of juri	isdictic	onal area: .
				G
				fined by 33 CFR part 328 and associated guidance) within the
		reviewed area. Approximate size of jurisdic	ctional	area: .
		There are "isolated non navigable into		waters or watlands" within the reviewed area
				waters or wetlands" within the reviewed area. CC/Migratory Bird Rule Information Sheet for Determination of No
		Decision supported by S Jurisdiction.	3 W A1N	Comigratory and Rule information sheet for Determination of No
		Jurisdiction.		
RAS	SIS (OF JURISDICTIONAL DETERMINATIO	N·	
10711	A.			igable waters of the United States":
				and flow of the tide and/or are presently used, or have been used in
		the past, or may be susceptible for use to tra		
		the past, of may be susceptible for use to tra	<u> </u>	merciale of foreign commerce.
	В.	Waters defined under 33 CFR part 328.30	(a) as '	'waters of the United States":
				ed, or were used in the past, or may be susceptible to use in
	,5-mark	* * * * * * * * * * * * * * * * * * *	-	s which are subject to the ebb and flow of the tide.
	П	(2) The presence of interstate waters including		
	П			lakes, rivers, streams (including intermittent streams), mudflats,
				meadows, playa lakes, or natural ponds, the use, degradation or
				rce including any such waters (check all that apply):
				foreign travelers for recreational or other purposes.
		(ii) from which fish or shellfish are or c	could b	e taken and sold in interstate or foreign commerce.
				ourposes by industries in interstate commerce.
		(4) Impoundments of waters otherwise defin	ned as v	waters of the US.
		(5) The presence of a tributary to a water ide		
		(6) The presence of territorial seas.		
		(7) The presence of wetlands adjacent ² to other	her wa	ters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: 23572

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: Plans
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey Thinute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-16290

PROJ	EC	T LOCA	TION I	NFORMATION:		
S	tate	:	Texas			
	oun		Matago			
C	ente	er coordi	nates of s	site (latitude/longitud	le):	UTM 15 217441E 3212044N
Α	ppr	oximate	size of ar	rea (parcel) reviewed	l, including	g uplands: 0.0659 acres.
				way: Caney Creek		
N	lam	e of wate	rshed:	Caney Creek		
JURIS	SDI	CTIONA	AL DET	ERMINATION		
C	om	pleted:	Desktop	determination	\boxtimes	Date: 18 Oct 2004
			Site vis	it(s)		Date(s):
Ŧ	uric	dictions	l Dotorn	nination (JD):		
J				` ′		
Σ	1	United S	tates" an	Based on available ir d/or "navigable wate R part 331).	nformation rs of the U	, \(\subseteq \text{ there appear to be (or) } \subsete there appear to be no "waters of the Inited States" on the project site. A preliminary JD is not appealable
Ē			d JD – A I that app		appealable	e action (Reference 33 CFR part 331).
				vigable waters of the . Approximate size of		ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
	1	<i>There</i> reviewed	are "wa Larea. A	iters of the United St pproximate size of ju	ates" (as durisdictions	defined by 33 CFR part 328 and associated guidance) within the al area:
	ļ	There	e are "iso	olated, non-navigable Decision supporte Jurisdiction.	e, intra-sta d by SWA	ete waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
D. C.		e minic	DICTIC	NAT DETERMIN	ATION.	
BASIS	נט פ	r JUKIS Watana	oDICTIC	NAL DETERMINATION OF THE PARTY	A I I O N : 320 oc "no	ivigable waters of the United States":
E	1	The prese	ence of w	aters that are subject	t to the ebb	o and flow of the tide and/or are presently used, or have been used in art interstate or foreign commerce.
	,			do:: 22 CED ::	220 2(a) a	s "waters of the United States":
В		waters (uenneu i	inder 33 CFK part.	ourrently i	ised, or were used in the past, or may be susceptible to use in
L	ַ ע	(1) The p	or forci	on commerce includ	ing all wat	ters which are subject to the ebb and flow of the tide.
		(2) The	racanca	of interstate waters in	nig an wat scluding in	sterctate wetlands 1
Ē	j ((3) The particular (3) The particular (3) (3) (3) (3) (3) (4) (4) (5) (5) (6) (6) (7) (7) (7) (7) (7) (7) (7) (7) (7) (7	oresence of wetland	of other waters such ls, sloughs, prairie po ich could affect inter	as intrastat otholes, we state comn	the lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or nerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes.
	j	(ii) 1	from whi	ch fish or shellfish ar	re or could	be taken and sold in interstate or foreign commerce.
		(iii)	which ar	e or could be used for	or industria	Il purposes by industries in interstate commerce.
Г	1	(4) Impo	undment	s of waters otherwise	defined a	s waters of the US.
Ī] ((5) The p	resence (of a tributary to a wa	ter identifi	ed in (1) – (4) above.
Ē	1	(6) The r	resence (of territorial seas.		
] ((7) The p	oresence (of wetlands adjacent	to other v	waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: D-16290

Lat	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics destruction of terrestrial vegetation tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 10

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-16519

PRC	JE(CT LOCA	TION IN	FORMATION:		
	Cen App Nan	inty: ter coordii proximate:	size of are est waterw	te (latitude/longitud a (parcel) reviewed ay: Oyster Creek Oyster Creek	e): , including	UTM 15 262857E 3227257N guplands: 21.1 acres.
				RMINATION determination (s)		Date: 18 Oct 2004 Date(s):
	Juri	isdictiona	l Determi	nation (JD):		
	\boxtimes	United St	tates" and/			hat there appear to be (or) \(\sum \) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
			d JD – An I that apply		appealable	action (Reference 33 CFR part 331).
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) the reviewed area. Approximate size of jurisdictional area:					
				ers of the United States		efined by 33 CFR part 328 and associated guidance) within the all area:
		☐ There	are "isolo	ated, non-navigable Decision supported Jurisdiction.	, intra-stat d by SWA	te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No
	A.	Waters d	lefined un ence of war	ters that are subject	329 as "na to the ebb	vigable waters of the United States": and flow of the tide and/or are presently used, or have been used in the interstate or foreign commerce.
		(1) The p interstate (2) The p (3) The p sandflats, destruction (i) w (ii) f (iii) (4) Impot (5) The p (6) The p	resence of or foreign resence of resence of wetlands, on of which thich are of rom which which are undments of resence of	waters, which are a commerce, including interstate waters in other waters such a sloughs, prairie point of the could affect intersection of the could be used by a fish or shellfish are could be used for waters otherwise a tributary to a walk territorial seas.	currently using all water cluding in as intrastate tholes, we state commenterstate of e or could reindustrial defined as ter identification.	e lakes, rivers, streams (including intermittent streams), mudflats, t meadows, playa lakes, or natural ponds, the use, degradation or herce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. I purposes by industries in interstate commerce.
		, ,	41 10	CT Calledonal I	N - 4	the (

FILE NUMBER: D-16519

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics destruction of terrestrial vegetation tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** 23565

PRO	Cour Cent Appr Nam	e: nty: er coordii roximate:	TX Brazoria nates of site size of area est waterwa	e (latitude/longitude a (parcel) reviewed, ay: San Bernard Riv San Bernard Huc:	including ⁄er	
JUF	RISD) Com	ICTIONA	L DETEI Desktop o Site visit(RMINATION determination s)		Date: 10/18/04 Date(s):
	Juri	sdictiona	l Determii	nation (JD):		
		United S	ary JD - Ba tates" and/ ce 33 CFR	or "navigable water	formation, s of the U	, \square there appear to be (or) \square there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
	\boxtimes		d JD – An l that apply		ppealable	e action (Reference 33 CFR part 331).
		☑ There the revie	<i>are</i> "navi wed area.	gable waters of the Approximate size o	United Sta f jurisdicti	ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
		☑ There	e are "wate I area. App	ers of the United Sta proximate size of ju	ites" (as d	defined by 33 CFR part 328 and associated guidance) within the all area:
		☐ There	e are "isolo	ated, non-navigable Decision supported Jurisdiction.	, intra-sta I by SWA	ate waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No
BA	Δ	Waters The pres	defined un ence of wa	ters that are subject	3 29 as "na to the ebb	avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.
	B. ⊠	(1) The printerstate	oresence of or foreign	f waters, which are on commerce, including	currently uing all wat	s "waters of the United States": used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide.
		(3) The part sandflats destruction (i) (ii) (iii) (iii) (4) Important	presence of s, wetlands on of whic which are of from which which are oundments	, sloughs, prairie po th could affect inter- or could be used by the fish or shellfish ar or could be used fo of waters otherwise	as intrastat tholes, we state comminterstate or e or could r industria	te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. I be taken and sold in interstate or foreign commerce.
		(6) The (7) The	presence of	f territorial seas. f wetlands adjacent ²	to other v	waters of the US, except for those wetlands adjacent to other wetlands.
	Rat	ionale fo	r the Basis	of Jurisdictional l	Determina	ation (applies to any boxes checked above). If the jurisdictional

FILE NUMBER: 23565

eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ other: □ destruction of terrestrial vegetation □ other: □ other: □ others □ High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land fo the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:Other (explain):
REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Cedar Lane NE U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. A Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: Cedar Lane NE State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 Cedar Lane NE Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

 $^{^{2}}$ The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** SWG-04-33-020

ct Location information: te: Texas anty: Colorado ater coordinates of site (latitude/longitude proximate size of area (parcel) reviewed ane of nearest waterway: Eagle Lake ane of watershed: Eagle Lake	e): , including	UTM 14 758225E 3272647N (NAD27), Eagle Lake g uplands: acres.			
ICTIONAL DETERMINATION mpleted: Desktop determination Site visit(s)		Date: 10/29/04 Date(s):			
isdictional Determination (JD):					
Preliminary JD - Based on available in United States" and/or "navigable water (Reference 33 CFR part 331).	formation, rs of the U	, ☐ there appear to be (or) ☐ there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable			
Approved JD – An approved JD is an a Check all that apply:	appealable	action (Reference 33 CFR part 331).			
There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:					
There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:					
There are "isolated, non-navigable Decision supported Jurisdiction.	, intra-stat I by SWAl	te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.			
Waters defined under 33 CFR part 3 The presence of waters that are subject	329 as "na to the ebb	and flow of the tide and/or are presently used, or have been used in			
(1) The presence of waters, which are of interstate or foreign commerce, including (2) The presence of interstate waters in (3) The presence of other waters such a sandflats, wetlands, sloughs, prairie podestruction of which could affect intersuch (ii) which are or could be used by in (iii) from which fish or shellfish are (iiii) which are or could be used for (4) Impoundments of waters otherwise (5) The presence of a tributary to a water (6) The presence of territorial seas.	currently ung all water cluding in as intrastationers, we state communiterstate of correction of the control of the correction of the corr	sed, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide. terstate wetlands ¹ . e lakes, rivers, streams (including intermittent streams), mudflats, t meadows, playa lakes, or natural ponds, the use, degradation or herce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. I purposes by industries in interstate commerce.			
	te: Texas anty: Colorado ater coordinates of site (latitude/longitude) are of nearest waterway: Eagle Lake ane of watershed: Eagle Lake and ane of watershed: Desktop determination and site visit(s) isdictional Determination (JD): Preliminary JD - Based on available in United States" and/or "navigable waters (Reference 33 CFR part 331). Approved JD - An approved JD is an another ane of the the reviewed area. Approximate size of the the reviewed area. Approximate size of ju There are "waters of the United State reviewed area. Approximate size of ju There are "isolated, non-navigable Decision supported Jurisdiction. DE JURISDICTIONAL DETERMINA Waters defined under 33 CFR part 3 The presence of waters that are subject the past, or may be susceptible for use Waters defined under 33 CFR part 3 (1) The presence of other waters such a sandflats, wetlands, sloughs, prairie podestruction of which could affect intersion of the could affect intersion of the could affect intersion of the or could be used by interest of the presence of a tributary to a water (iii) which are or could be used for (iii) which are or c	te: Texas anty: Colorado atter coordinates of site (latitude/longitude): broximate size of area (parcel) reviewed, including me of nearest waterway: Eagle Lake me of watershed: Eagle Lake MCTIONAL DETERMINATION mpleted: Desktop determination Site visit(s) isdictional Determination (JD): Preliminary JD - Based on available information United States" and/or "navigable waters of the U (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable Check all that apply: There are "navigable waters of the United States" (as d reviewed area. Approximate size of jurisdiction There are "isolated, non-navigable, intra-stat Decision supported by SWAI Jurisdiction. DF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "na The presence of waters that are subject to the ebb the past, or may be susceptible for use to transport Waters defined under 33 CFR part 328.3(a) as (1) The presence of waters, which are currently u interstate or foreign commerce, including all wate (2) The presence of interstate waters including in (3) The presence of interstate waters including in (3) The presence of other waters such as intrastat sandflats, wetlands, sloughs, prairie potholes, we destruction of which could affect interstate comm (i) which are or could be used by interstate of (iii) which are or could be used by interstate of (iii) which are or could be used for industria (4) Impoundments of waters otherwise defined as (5) The presence of a tributary to a water identific (6) The presence of territorial seas.			

	-					
- FI	LE	NI	1NA	IR	ГD	,

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: Plans High Tide Line indicated by: in side Line indicated by: in shell or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** 14114(05)/836

FILE NU	JMBER: 14114(U3)/830
State Cou Cen App Nan	
JURISD Cor	ICTIONAL DETERMINATION npleted: Desktop determination Site visit(s) Date: 18 October 2004 Date(s):
.Jur	isdictional Determination (JD):
	Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1800 square feet.
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS A.	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B. ⊠	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands.
ā	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), muditars, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
	 (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The Brazos River is a navigable water of the United States inland 232 miles.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: 14114(05)/836 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) High Tide Line indicated by: Ordinary High Water Mark indicated by: oil or scum line along shore objects clear, natural line impressed on the bank fine shell or debris deposits (foreshore) the presence of litter and debris physical markings/characteristics changes in the character of soil tidal gages destruction of terrestrial vegetation other: shelving other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☒ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for П the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. , prepared by (company): This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Brazoria Quadrangle U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: Brazoria Quadrangle State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): (NGVD) 100-year Floodplain Elevation is: Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.